

VZCZCXRO2600  
PP RUEHAG RUEHBI RUEHCI RUEHLH RUEHPW RUEHROV RUEHSR  
DE RUEHAH #0180/01 0351139  
ZNY CCCCC ZZH  
P 041139Z FEB 09  
FM AMEMBASSY ASHGABAT  
TO RUEHC/SECSTATE WASHDC PRIORITY 2261  
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE  
RUCNCIS/CIS COLLECTIVE  
RUCNMEM/EU MEMBER STATES COLLECTIVE  
RUEHAK/AMEMBASSY ANKARA 4791  
RUEHBJ/AMEMBASSY BEIJING 2579  
RUEHKO/AMEMBASSY TOKYO 2444  
RUEHIT/AMCONSUL ISTANBUL 3035  
RHEHNSC/NSC WASHDC  
RHMFISS/CDR USCENCOM MACDILL AFB FL  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RUEKJCS/JOINT STAFF WASHDC  
RUEKJCS/SECDEF WASHINGTON DC  
RUEHVEN/USMISSION USOSCE 3306

C O N F I D E N T I A L SECTION 01 OF 02 ASHGABAT 000180

SIPDIS

STATE FOR SCA/CEN, DRL

E.O. 12958: DECL: 02/02/2019

TAGS: [PHUM](#) [PGOV](#) [TX](#)

SUBJECT: TURKMENISTAN: 2009 PRIORITIES FOR OSCE CENTER'S  
HUMAN DIMENSION OFFICE

Classified By: Charge Richard Miles, reasons 1.4 (B) and (D).

(C) 1. SUMMARY: According to the Human Dimension Officer at the OSCE Center in Ashgabat, her program's priorities in 2009 will be to provide training for Turkmenistan's prosecutors, judges, and penitentiary personnel. The Center handles a heavy load of legal consultations with aggrieved citizens, which led to the publication of materials that explain Turkmen law on topics that were most often the source of peoples' legal problems. Other activities in the human dimension sphere will provide expert advice on draft laws on religion and public associations and capacity building among Turkmen officials responsible for reviewing citizen complaints. END SUMMARY.

#### TRAINING FOR PRISON OFFICIALS A BREAKTHROUGH

12. (C) According to OSCE Human Dimension Officer, Begona Pineiro Costas, the OSCE's proposed list of 2009 activities in Turkmenistan was approved by the Government in its entirety. For the first time, the OSCE will conduct training on international human rights standards for prison officials and at the Police Academy, an activity that Pineiro Costas considered to be an important breakthrough. She said the OSCE would take a gradual approach to the project, carefully gauging whether the Turkmen side found it useful. She opined that the Government might be trying to improve prison standards prior to allowing the International Committee of the Red Cross conduct prison visits, or it could be the Government's way of showing the UN Human Rights Council, following the Universal Periodic Review, that they are addressing concerns about prison conditions with training.

#### HEAVY VOLUME OF LEGAL CONSULTATIONS

13. (C) Legal consultations consume the largest part of the Center's Human Dimension resources. During 2008 the Center received an average of 240 inquiries per month and conducted a total of 900 legal consultations. In addition to Pineiro Costas, there is one staff lawyer and a program assistant who handle this work. The OSCE staff lawyer does not represent parties in court, but rather advises them to hire a lawyer. The Center does help parties prepare appellate documents. Pineiro Costas said the OSCE's "door is always open" for people to consult about their legal problems, but the OSCE

Center does not take on the role of a legal representative and the burden remains on the party to pursue appropriate legal action.

¶4. (C) In 2008 the OSCE Center, together with the French Embassy, published a set of five booklets in Turkmen and Russian that addressed subjects raised most often by the people coming for consultations. The topics were freedom of citizens to leave the country, the right of ownership of living quarters, legal regulation of the use of living quarters in state-owned buildings, Turkmen law on the rights of detainees, and the legal status of detainees from the moment of arrest until the court proceeding according to Turkmen law.

#### COMPLAINTS FROM AGGRIEVED CITIZENS ON THE RISE

¶5. (C) Pineiro Costas said the Center had regularly received complaints about government actions from the Turkmen public since 1999, and that each year the number of complaints increased. She suggested that people think the OSCE has the ability to go directly to the Supreme Court or President Berdimuhamedov and resolve the problems. OSCE staff explain to aggrieved parties that their only option is to follow the rule of law and to work within the existing system.

#### ADDITIONAL PROJECTS TO BUILD LEGAL CAPACITY

¶6. (C) In 2009 the OSCE will conduct training for judges and prosecutors on international human rights standards for

ASHGABAT 00000180 002 OF 002

pre-trial detainees. Pineiro Costas had heard reports of problems with the treatment and handling of such detainees. The OSCE has already addressed this topic with training during the past couple years. In the future, the training program will specifically address the roles of judges and investigators. The OSCE will also arrange a one-week training at the Law Faculty at the State University on human rights standards in the criminal justice system. They plan to follow-up with curriculum reform on human rights and criminal justice.

¶7. (C) A project in conjunction with the State Institute for Democracy and Human Rights will work with the Institute's department that receives complaints from Turkmen citizens. The goal would be to improve its handling of such complaints by building capacity among its staff attorneys. The project will be implemented jointly by OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the UK Embassy and UNDP. Other projects include support for legal reform, in conjunction with ODIHR, to offer expert advice on draft laws on the criminal code, religion and public organizations; some modest efforts to raise awareness of human trafficking and domestic violence; and economic empowerment of women in the regions.

¶8. (C) COMMENT: Pineiro Costas was clearly pleased that the Government had approved the OSCE Center's planned activities. While many of the projects follow up on work carried out in previous years and are thus familiar to the Turkmen, the work with prison officials breaks new ground and will hopefully lead to greater openness and improvements in prison conditions. Through its legal consultations the Center is able to gain a unique perspective about the types of legal problems that average citizens encounter, which was put to good use in the publication of legal information booklets. The OSCE approach, to encourage reliance on the rule of law by citizens, while at the same time building capacity among a range of legal professionals, is a comprehensive, although unavoidably gradual approach, to improving respect for legal rights in Turkmenistan. END COMMENT.

MILES